FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for a Zoning Variance, a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 7 ft. side yard setback in lieu of the required 10 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1521 Galena Road, consists of .23 acres +/-, zoned D.R.5.5, is currently unimproved and located within the Chesapeake Bay Critical Area. Testimony further indicated that the Petitioners purchased the 50 ft. lot at public auction and are desirous of constructing a single family dwelling thereon.

Testimony indicated that the subject lot lies within the Hyde Park subdivision and that the majority of lots in this community are 50 ft. lots.

The Petitioners testified that they are purchasing a prefabricated home and it cannot be properly situated on the lot with greater than a 7 ft. side yard setback due to the nature of the equipment that must locate the house. The Petitioners testified that they would suffer an undue hardship and practical difficulty should the requested relief be denied.

Petition for Variance

The undersigned, legal owner(s) of the property situate in Baltimere County and which is described in the description and plat attached hereto and made a part hereof, hereto position for a

Variance from Section 1302.3. C. 1. to permit a 7

Side your setback in how of 10.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

following reasons: (indicate hardship or practical difficulty)

Lot 63, 1521 Galena Rd. was purchased by us on March 16, 1991 at a public

to the Zoning Commissioner of Baltimore County

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioners: and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioners any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioners' actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of Withe Department of Environmental Protection and Resource Management has submitted recommendations (attached herewith) which describe what steps the Petitioners must take to insure that the relief requested complies

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from sur-

> > -2-

2) Conserve fish, wildlife, and plant habitat; and

with the following Chesapeake Bay Critical Areas requirements to: rounding lands;

porch it leaves only 9; for a driveway to the rear of the house. Also (2) the modular home company needs 15' to bring the house in.

the 15th Election District.

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for 991 that, pursuant to Petition for Zoning Variance, a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 7 ft. side yard setback in lieu of the required 10 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioners shall comply fully and completely with all requirements and recommendations of the Department

91- 496-1

-3-

DMMG DEPARTMENT OF BALTIMORE COUNTY

Location of property: NW/S Galena Rd., 575' SW/SUSSER Rd

Location of Signe Telling belong fit, approx. 10' Fr. 100 dulog

on proporty of Politioner

of Environmental Protection and Resource Management, as set forth in their comments dated July 26, 1991, attached hereto and made a part hereof.

-4-

Zoning Commissioner for Baltimore County

cc: Peoples Counsel

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

Office of

442 Eastern Blvd. Balto., Md. 21221

1	25	
July	25	19

THIS IS TO CERTIFY, that the annexed advertisement of Fred W. Cross in the matter of Zoning Hearing of 1521 Galena Rd. P.O #0113113

Case # 91-496-A, Req #M54915 49 lines @.55 or \$26.95

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for ________ successive week(s) before the ______19___day of ______19___19___1;

that is to say, the same was inserted in the issues of July 25 1991.

The Avenue Inc.

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as blows: Case Number: 91-406-A NWS Quinta Road, 525' SW of certarline Success Road 15" Election District -5n Councilmente Petitioners): Fred W. Cross, et ux NEANG: THURSDAY, AUGUST 22, 1991 at 2:00pm Variance tipermit a 7 ft.side yard setback in ieu of 10 ft. Zoning Commissioner a Bulamore County

geoil.

	Baltimore County Zoning Commisioner County Office Building 111 West Chosapeake Avenue Towson, Maryland 21204
Date	

H9100497

04A04#0091NICHRC EN C011:12AN06-14-91

PUBLIC BLARING FEES 010 -ZDNIMG VARIANCE (IRL) LAST NAME OF OWNER: CROSS

real estate auction for \$33,500. It is located in the subdivision of Hyde Park which is mainly consisted of 50 foot lots. Our lot is 50'x200'. Most homes surrounding our lot are closer than the required 10 foot side setback; approximately 7 feet. (See attached sheet) Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. L/We do solemnly declare and affirm, under the penalties of perjury, that I/we SE 2:1 are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Fred W. Cross Health Cross Attorney for Petitioner: 815 Sue Grove Road 391-0527 H (Type or Print Name) Baltimore, Maryland 21221 City and State Rame, address and phone number of legal owner, contract purchaser or representative to be contacted. Attorney's Telephone No.: AVAILABLE FOR HEARING

AVAILABLE FOR HEARING

HON./IMES./WED. - NEXT TWO! IS

ALL

OTHER

REVIEWED BY: TOTAL

CHICAL AREA # 487

We would like to but a 25'x52' modular home, which means we have to put it sideways on the lot. The problems we are incurring is that with a 10' side setback, 25' for the house, and 6' for a front If the front porch is left off until after the delivery of the home and the variance is granted, our problems will be solved.

ZONING DESCRIPTION

Beginning at a point on the north side of Galena Road which is 50 feet wide at the distance of 525 feet west of the centerline of the nearest improved intersecting street, Sussex Road which is 50 feet wide. Being Lot #63 in the subdivision of Hyde Park as recorded in Baltimore County Plat Book #WHM 9, Folio #59 containing 10,000 square feet. Also known as 1521 Galena Road and located in

District 15 Th

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $\frac{7/25}{199}$. 1991.

487 CRITICAL APPA \$ 30.49

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

815 Sue Grove Road

Baltimore, Maryland 21221

Case Number: 91-496-A NW/S Galena Road, 525' SW of centerline Sussex Road 1521 Galena Road 15th Election District - 5th Councilmanic Petitioner(s): Fred W. Cross, et ux HEARING: THURSDAY, AUGUST 22, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$_____ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMPLISSIONER BALTIMORE COUNTY, MARYLAND

and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue

Towson, MD 21204

COPY

887-3353

NOTICE OF HEARING

Baltimore County Government

Office of Zoning Administration

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-496-A NW/S Galena Road, 525' SW of centerline Sussex Road 1521 Galena Road 15th Election District - 5th Councilmanic

HEARING: THURSDAY, AUGUST 22, 1991 at 2:00 p.m.

Petitioner(s): Fred W. Cross, et ux

Variance to permit a 7 ft. side yard setback in lieu of 10 ft.

Zoning Commissioner of Baltimore County

cc: Fred and Lisa Cross

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: July 17, 1991

Mr. J. Robert Haines Zoning Commissioner Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 25, 1991

This office has no comments for items number 463, 464, 465, 471, 478, 480, 481, 483, 484, 485, 486, 487, 488 and 489.

Traffic Engineer II

Baltimore County Government Fire Department 700 East Joppa Road Suite 901

(301) 887-4500

JUNE 21, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204-5500

FRED W. CROSS RE: Property Owner:

> #1521 GALENA ROAD Location:

Item No.: 487 Zoning Agenda: JUNE 25, 1991

Gentlemen:

Towson, MD 21204

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Fire Prevention Bureau Special Inspection Division

JK/KEK

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

July 23, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. & Mrs. Fred W. Cross 815 Sue Grove Road Baltimore, MD 21221

> RE: Item No. 487, Case No. 91-496-A Petitioner: Fred W. Cross, et ux Petition for Variance

Dear Mr. & Mrs. Cross:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 9, 1991

The Developers Engineering Division has reviewed

For Items 476 and 490, the previous County Review Group

the subject zoning items and we have no comments for

For Items 481, 482 and 486, County Review Group

and no further improvements are required at this time.

and a maximum of 35 feet wide. Depressed curb is to be

Also, prior to removal of any existing curb for

entrances, the Developer shall obtain a permit from the

existing roads, and no further improvements are requested

However, prior to removal of any existing curb for

entrances, the Developer shall obtain a permit from the

to requirements and approval of the State Highway

used with no curb returns to the property line.

Bureau of Public Services (887-3321).

Bureau of Public Services (887-3321).

For Item 481, Cockeysville Road is an existing road,

In addition, entrances shall be a minimum of 24 feet

For Item 482, Hammonds Ferry Road and Second Avenue are

For Item 486, Pulaski Highway (U.S. Route 40) is a State Road and any improvements, including entrances, are subject

Items 463, 464, 465, 471, 478, 480, 484, 485, 487,

Zoning Advisory Committee Meeting

FROM: Robert W. Bowling, P.E.

for June 25, 1991

Meeting Comments still apply.

Meetings may be required.

at this time.

Administration.

Zoning Plans Advisory Committee

Enclosures

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 26th day of June, 1991.

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

Petitioner: Fred W. Cross, et ux Petitioner's Attorney:



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: July 26, 1991

FROM: Mr. J. James Dieter, Director SUBJECT: Petition for Zoning Variance - Item 487

Chesapeake Bay Critical Area Findings

Cross Property

SITE LOCATION

ZONING OFFICE

The subject property is located at 1521 Galena Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Fred Cross

APPLICANT PROPOSAL

The applicant is proposing to build a new single family dwelling on an existing vacant lot. The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit a seven foot side yard setback in lieu of ten feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines July 26, 1991 Page 2

REGULATIONS AND FINDINGS

 Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This property is located approximately 300 feet from the tidal waters of Back River. Therefore, no disturbance of the shoreline buffer shall occur.

Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.
Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code Section 22-217(e)>.

Finding: This lot is less than a quarter acre in size and the sum of impervious surfaces does not exceed 25% of the lot. Impervious surfaces that exceed 25% of the lot shall not be permitted.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04

Finding: The applicant has existing and proposed trees that create 15% forest cover. If any of the existing trees or shrubs are removed during construction then they shall be replaced and that number shall be added to the proposed number, which is one large tree, two small trees and two shrubs.

Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its pre-development state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

...... Memo to Mr. J. Robert Haines July 26, 1991 Page 3 (3) Storm drain discharge points are decentralized to simulate the pre-development hydrologic regime. (4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its pre-development state" <Baltimore County Code, Section 22-217(h)>. Findings: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site. 6. Regulation: "Before the issuance of any use and occupancy permit within the Critical Area by the Department of Permits and Licenses, the Director of the Department of Environmental Protection and Resource Management, or his designee, shall determine that the development is in compliance with the findings and findings plan as determined by the approving authority. The use and occupancy permit shall not be issued unless and until the Director of Environmental Protection and Resource Management or his designee, certifies to the Director of Permits and Licenses that such development is in compliance with said Findings and Findings Plan" <Baltimore County Code Section 22-66(a)>. Finding: The applicant should notify the Critical Area Program two weeks prior to the expected request for the use and occupancy permit. The use and occupancy permit shall not be released until the project is in compliance with this findings and the findings CONCLUSION The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904. Attachment cc: The Honorable Vincent Gardina The Honorable Donald Mason

Mr. Ronald B. Hickernell Mr. & Mrs. Fred Cross







